

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KRISHNA MURTHY,
MICHAEL E. STOECKLE and DEVANG DESAI

Application No. 09/537,659

ORDER RETURNING UNDOCKETED APPEAL



This application was received electronically at the Board of Patent Appeals and Interferences on May 3, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statement (IDS) on April 22, 2004. It is not clear from the record whether or not this IDS has been considered and the Form 1449 needs to be signed. The examiner needs to consider the Information Disclosure Statement and acknowledge such consideration.

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Further, it should be noted that the prior art of record is missing from the IFW file and should be provided.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

1) consideration and proper written response to the Information Disclosure Statement filed April 22, 2004;

2) the examiner's signature on the 1449 is required;

3) prior art of record should be provided to the IFW file; and

4) for any further action as deemed appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

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